

### **REMARKS**

Claims 1–24 are pending. Claims 1 and 16 are independent. Claim 1 is amended to recite “during call initiation or cell switching in a TDD CDMA mobile communication system” and claim 16 is amended to recite “in a TDD CDMA mobile communication system.” Support for these amendments is found in, inter alia, paragraph 2 of the description. Claims 2-11 are amended as to form only. No new matter is added by the amendments. Applicants respectfully request favorable reconsideration of this application.

#### **Rejection of Claims Under 35 U.S.C. § 103**

Claims 1-3 and 16-18 were rejected under 35 U.S.C. § 103 as being unpatentable over Wright (US 6,078,959) in view of Choi (US 6,963,540). The Applicants have carefully considered the Office Action, and respectfully submit that independent claims 1 and 16 are not obvious in view of Wright combined with Choi. For example, the combination of Wright and Choi fails to disclose or render obvious each limitation of independent claims 1 and 16.

The Applicants submit that amended claims 1 and 16 clearly define that the technical solution relates to “a call access control method during call initiation or cell switching **in a TDD CDMA mobile communication system**” and a base station in a TDD CDMA mobile communication system. Therefore, as stated at length in Applicants’ response to the previous Office Action, because the technical solution discussed in Wright is **not based on the CDMA technology**, i.e., Wright does not disclose that a time slot supports a plurality of subscribers, but discusses only random access signaling and connection request transmission, the solution provided in the present application cannot be disclosed or suggested by Wright, so **Wright cannot be used as the basis for evaluating the obviousness of the present invention**. Furthermore, as stated in Applicants’ response to the previous Office Action, the sections cited by the Examiner do not disclose the relevant processes and features of claims 1 and 16 of the present application.

Choi relates to apparatus and method for assigning a common packet channel in a CDMA communication system. Choi fails to teach or suggest “allocating idle resource units in the time slots having available channel resources and the minimum number of accessed subscribers to the subscriber sending the access request.”

Choi only teaches that “*the base station transmits use status information of physical channels and maximum available data rate information on a status indicator channel.*” See

Abstract. However, it is nowhere mentioned that the idle resource units in the time slots having available channel resources and the minimum number of accessed subscribers is allocated.

Actually, the use status information is defined in column 19, lines 50-64. It can be seen that the PCPCH use status information indicates whether the respective PCPCHs are used or not, which is different from the status of the resource unit in the present application.

Based on the above, Applicants respectfully submit that neither Wright nor Choi discloses the solution of claims 1 and 16 of the present application, and the solution provided by claims 1 and 16 of the present application is not obvious to one of ordinary skill in the art even if the teaching of Choi is combined with the system of Wright.

Therefore, Applicants respectfully submit that claims 1 and 16 of the present application are not obvious. Accordingly, claims 2-3 dependent on claim 1 and claims 17-18, dependent on claim 16 are also not obvious and Applicant requests that the rejection of claims 1-3 and 16-18 be withdrawn.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright in view of Choi and further in view of U.S. Pat. 5,818,818 to Soumiya. Applicants submit that the rejection is improper for at least the reasons given above with regard to independent claim 16, from which claim 19 depends. Moreover, Soumiya, which pertains to a communication service quality control system in an ATM network, does not remedy the deficiencies of the combination of Wright with Choi. Applicants respectfully request that the rejection of claim 19 be withdrawn.

### **CONCLUSION**

In view of the remarks presented herein, Applicants respectfully submit that this application is in condition for allowance and should now be passed to issue. A Notice of Allowance is respectfully solicited. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

February 20, 2009

By:  \_\_\_\_\_

Rothwell, Figg, Ernst & Manbeck P.C.  
1425 K Street, N.W., Suite 800  
Washington, D.C. 20005  
(202) 783-6040 (voice)  
(202) 783-6031 (fax)

Brian Rosenbloom  
Registration No. 41,276

#1582188